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C O N F I D E N T I A L TEL AVIV 001595

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TAGS: [PREL](#) [PHUM](#) [KWBG](#) [KPAL](#) [IS](#)
SUBJECT: MOD AND MFA RESPONSE TO WEST BANK DEMARCHE

REF: STATE 78069

Classified By: Charge d'Affaires Luis Moreno. Reason 1.4 (B/D)

¶1. (C) Summary: Charge raised reftel demarche points with MOD Political Military Director res. MG Amos Gilad and newly appointed MFA Deputy Director General for North American Affairs, Barukh Binah, on July 23. Gilad provided details of GOI efforts to improve coordination with the PA in the West Bank and outlined the elements of a mechanism for MOD-PA problem-solving in which he would play the lead role. The MOD and MFA both committed to providing us with information on IDF land confiscation in the Jordan Valley, though Gilad dismissed the area in question as one of "no real consequence." Both the MOD and MFA challenged our demarche on an East Jerusalem eviction order on the grounds that this is an "internal issue" on which the Israeli High Court of Justice has ruled. End Summary.

¶2. (C) Charge approached Amos Gilad on the margins of MOD Ehud Barak's July 23 meeting with Palestinian PM Salam Fayyad at the King David Hotel in Jerusalem to discuss USG concerns regarding recent Israeli actions in the West Bank and Jerusalem (reftel). Although Gilad expressed general pessimism about prospects for an agreement with the Palestinians, he told the Charge that the MOD was taking steps to coordinate more effectively with the Palestinian Authority and would notify the PA about IDF operations in the West Bank. To that end, Gilad informed the Charge that he, Gilad, would talk with Fayyad every "week to ten days" and establish a "hotline" between the MOD and PA.

¶3. (C) Regarding the four issues raised by the Charge, Gilad provided the following reactions:

-- Nablus operations: The MOD agreed to allow the mall to reopen in Nablus, effectively reversing recent GOI decisions. Gilad clarified that this would be done "unofficially" and in a very low key manner.

-- Jordan Valley land confiscations: Gilad referred to this as "a small area of no consequence" in the Jordan Valley, but tried without immediate success to obtain further information regarding this action. Gilad committed to look into this matter further.

-- Settler violence: Gilad referred to settlers who launched rockets at Palestinians as "terrorists" and promised that the perpetrators would be arrested and prosecuted to the fullest extent of the law. He pointed out that several had already been arrested.

-- East Jerusalem eviction: Gilad professed surprise that the USG would raise an "internal issue" on which the Israeli High Court of Justice had already ruled. Gilad added, without prompting, that the recent bulldozer attacks carried out by East Jerusalem residents would likely result in "drastic" security measures in East Jerusalem.

14. (C) In a subsequent telcon, Gilad reported that he had relayed the subject of the U.S. demarche with MOD Barak, who, according to Gilad, professed to be "shocked that such a demarche would be made."

MFA

15. (C) Charge and A/PolCouns also raised demarche issues with MFA DDG Binah and his deputy, Dan Arbell, and informed them of the issues raised with Gilad. The Charge expressed our hope that the MOD-PA hotline and Fayyad-Barak talks could serve as an important mechanism for communicating concerns and resolving issues, and updated the MFA on the latest MOD thinking regarding West Bank issues. Binah commented that the overall political situation in Israel was not auspicious for government action on many of the contentious issues on our agenda, but he and Arbell provided some additional reactions to the four issues we raised:

-- Nablus operations: Binah inquired whether we were aware of money-laundering operations in Nablus.

-- Jordan Valley land confiscations: Arbell noted that the Department of State had already raised this issue with the Israeli Embassy in Washington, and he acknowledged that the MFA owed us an answer.

-- East Jerusalem eviction: Binah remarked that the Secretary had already raised this issue with FM Tzipi Livni on July 17. He reacted to this element of the demarche by underscoring that he viewed it as a "disturbing" development.

He described what he viewed as a "sharp debate" within Israel about the rule of law and the role of the High Court of Justice (as well as the role of the Attorney General). Binah argued that questioning (Israeli) laws, as they are interpreted by the High Court, would not be helpful. He noted that the High Court often ruled against the Government, and warned that it would be problematic to react selectively to the Court's rulings.

FULBRIGHTER FOLLOW-UP

16. (C) The Charge raised the situation of Palestinian Fulbright scholarship winners (2008) who would soon need authorization to leave Gaza for onward travel to the U.S. Arbell noted that the MFA had already flagged this issue with Israeli security services and that FM Livni and Director General Aharon Abramovitch would shortly discuss this issue with ISA Director Yuval Diskin. Arbell also underscored that the GOI had shared derogatory information on several of the students, and had been surprised that they might be found eligible to receive U.S. visas. Charge noted that information the GOI had provided to the USG was apparently not sufficiently detailed to be of use.

17. (C) Comment: The MOD seemed seized with the importance of better coordination and has proactively engaged PM Fayyad in what we hope will become a more effective and timely mechanism for directly resolving bilateral Palestinian-Israeli relations, particularly as they affect joint efforts in the northern West Bank. Both the MOD and MFA share our perspective on the negative nature of settler violence and the need to apply and enforce Israeli law in this regard. The East Jerusalem issue we raised clearly raised hackles, for it appears to our GOI interlocutors that our demarche calls into question the rulings of their High Court of Justice. The Israeli state views the East Jerusalem property dispute as an "internal issue" rather than an unresolved final status issue involving the overlapping claims of Israelis and the Palestinians. While the Al-Kurd family circumstances are tragic and their eviction could provoke communal tensions, USG diplomatic efforts would gain more traction with the GOI in cases that have the backing of

the High Court. Given the different U.S. and Israeli perspectives on the status of Jerusalem and the sensitivity of GOI authorities to what they perceive as criticism of their High Court, we believe that our efforts would be more successful in challenging eviction or demolition activities of the GOI in the West Bank (where the Court's role has been more proactive) rather than in Jerusalem at this time. End Comment.

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